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SERVICE DATE - SEPTEMBER 10, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 2X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT  
EXEMPTION—IN MIDDLESEX COUNTY, MA

Decided: September 7, 2001

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 4.17 miles of railroad between milepost QBH-2.60 near Sherborn and milepost QBH-6.77 near Holliston, in Middlesex County, MA. Notice of the exemption was served and published in the Federal Register on August 2, 2001 (66 FR 40314-15).

On August 31, 2001, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding and authorized a 180-day period for the Town of Sherborn and the Town of Holliston to negotiate an interim trail use/rail banking agreement with NYC for the entire line.<sup>1</sup> The same decision observed that the Section of Environmental Analysis (SEA) had initially stated in its environmental assessment that the Massachusetts State Historic Preservation Officer (SHPO) had not completed its review of the proposed abandonment and SEA had recommended that a condition be imposed requiring NYC to retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). The section 106 condition was not imposed in the August 31 decision, however, due to a mistaken reliance on a letter submitted by the SHPO in connection with a different proceeding. The section 106 condition should in fact have been imposed in this proceeding because, in a letter dated August 1, 2001, the SHPO indicated that the Bogastow Brook Viaduct, also known as the Jar Brook Viaduct (CSX Bridge No. 4.76), the Highland Street Tunnel, also known as the Phipps Tunnel Bridge (CSX Bridge No. 6.42), the Arch Street Bridge (CSX Bridge No. 5.84), the Exchange Street Railroad Bridge (CSX Bridge No. 5.62), the Winthrop Canal Bridge (CSX Bridge No. 5.73) have each been determined to be potentially eligible for inclusion on the National Register of Historic Places. As a result, SEA recommends that NYC be required to retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106

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<sup>1</sup> The August 31 decision also imposed a 180-day public use condition requiring NYC to leave the right-of-way intact, including bridges, culverts and tunnels and similar structures until February 28, 2002.

process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). The section 106 condition will therefore be imposed in this decision.<sup>2</sup>

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The abandonment authority granted in this proceeding is further subject to the condition that NYC retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the NHPA.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>2</sup> While this decision embraces STB Docket No. AB-55 (Sub-No. 594X), CSX Transportation, Inc.–Discontinuance of Service Exemption–in Middlesex County, MA, the environmental condition is imposed on the proposed abandonment.